

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)	
Plaintiff,)	
)	
)	
v.)	Civil Action No. 04-379E
)	
U.S. JUSTICE DEPARTMENT,)	
BUREAU OF PRISONS, FCI MCKEAN,)	
WARDEN JOHN J. LAMANNA,)	
REGIONAL DIRECTOR D. SCOTT)	
DODRILL, MEDICAL DIRECTOR)	
NEWTON E. KENDIG, DIRECTOR)	
HARLEY G. LAPPIN,)	
Defendants.)	

ORDER

AND NOW, this _____ day of February, 2006,

IT IS HEREBY ORDERED THAT, Plaintiff's MOTION FOR ORDER OF PHYSICAL EXAMINATION is hereby **GRANTED**.

IT IS FURTHER ORDERED THAT, upon Plaintiff's request, an Examiner, suitably licensed or certified, from the National Cancer Institute shall be appointed to the satisfaction and direction of Plaintiff, at a time and place to be determined according to the feasibility of the Examiner, prior to any scheduled trial.

IT IS FURTHER ORDERED THAT, upon the feasibility of the Examiner and at the direction of Plaintiff, the United States Marshals Service shall deliver the person of Plaintiff, where different from the custody and control of Defendants, to a

place for examination. And, upon completion of examination, the United States Marshals Service shall return the person of Plaintiff to the custody and control of Defendants.

IT IS FURTHER ORDERED THAT, upon the Examiner's findings, including results of all tests made, diagnoses and conclusions, if requested by the Defendants, Plaintiff having obtained the report of the Examiner shall deliver them to the Defendants.

IT IS FURTHER ORDER THAT, the costs and expenses incurred for appointing an Examiner from the National Cancer Institute, shall be paid by the United States.

IT IS FURTHER ORDERED THAT, the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

/s/

cc: United States Marshals Service
All parties of record